

MINING.

12° GEO. V., No. XXII.

No. 22 of 1921.

AN ACT to amend Part III. of the Mining Act Amendment Act of 1920.

[Assented to 6th December, 1921.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Mining Act Amendment Act, 1921.*

Amendment of sec.
24.

2. Section twenty-four of the Mining Act Amendment Act, 1920 (hereinafter referred to as the said Act) is amended by omitting the words "the tributers," in subsection one, and inserting in place thereof "every other person at the time interested in the tribute;" and by adding to the subsection the following paragraphs:—

Every person from time to time beneficially interested in a tribute agreement, and who is not a party to it, shall within twenty-eight days of becoming so interested register in the office of the Warden a memorandum in writing containing particulars of the date, the parties to, and the number of the tribute agreement, and of the interest therein of the person registering the memorandum.

Any moneys paid as a share or part of a share of, or commission on the profits of a party to a tribute agreement to any person who has not complied with the requirements of the section, may be recovered back from him by the person who may have paid the same.

Amendment of sec.
25.

3. Section twenty-five of the said Act is amended by omitting the words "of not less than the prescribed dimensions."

4. Section twenty-six of the said Act is repealed, and a section is inserted in place thereof, as follows:—

Amendment of sec.
26.

26. No tribute agreement shall be made for a lesser period than six months, but by mutual consent such agreement may be entered into for a longer period, and every tribute agreement shall continue in force for the period stated therein, and thereafter until determined by six months' notice by the lessee, unless such agreement shall become liable to cancellation under section thirty-three.

Term of tribute
agreement.

5. Section twenty-seven of the said Act is amended by omitting paragraphs (a), (c), and (d) thereof, and by inserting the following paragraphs in place of paragraphs (a) and (c):—

Amendment of sec.
27.

(a) That no tribute shall be payable unless those tributers engaged in the actual working of the ground have earned at the rate of £3 10s. per man per week for the period worked by them respectively after paying the cost and expenses of mining, treatment, and realisation, and such expenses shall be exclusive of their own wages. In calculating such deductions, the wages to employees shall be at the ruling rate in the district for the hours of labour actually spent in working the tribute area.

(c) That the tribute to be payable to the lessee or owner of the mine shall not exceed a percentage to be fixed by the agreement, of the gross proceeds of the sale of the product, after deducting the cost of treatment and realisation.

6. Section twenty-eight of the said Act is repealed.

Repeal of sec. 28.

7. Section thirty-one of the said Act is amended, by omitting the words "and the decision of the Warden shall be final and conclusive and without appeal," and inserting in place thereof the words "under the provisions of Part X. of the principal Act."

Amendment of sec.
31.

8. Section thirty-two of the said Act is amended by omitting the words "and shall be final and without appeal, and be observed by every person concerned."

Amendment of sec.
32.

Application for forfeiture of mining tenement of company in process of winding up.

9. An application under section ninety-nine of the principal Act for the forfeiture for breach of labour conditions of a mining tenement held by a company in process of winding-up, either voluntarily or by order of the Supreme Court, shall not be deemed an action or proceeding within the meaning of section one hundred and fourteen of the Companies Act, 1893, and, notwithstanding anything contained in that Act to the contrary, any such application may be made, heard, and disposed of without the leave of the Supreme Court, and the tenement shall be liable to forfeiture accordingly.

Conditions of Contracts for treatment of ore.

10. A section is inserted in the said Act, and shall have effect, as follows:—

34a. In all contracts between a tributer and the owner of a treatment plant (whether the lessee of the mine under tribute or not) relating to the treatment of gold ore, the following provisions shall apply:—

- (a) It shall be obligatory on the part of the owner of such plant, when the ore is purchased on assay value, to account for all ores received by him from the tributer for treatment on the basis of not less than ninety per centum extraction of the assayed value of the ore; unless on an application to the Warden it shall be otherwise determined, on proof to his satisfaction, that the ore is of so refractory a nature that ninety per centum of the assayed value cannot be extracted; and
- (b) The owner of the treatment plant shall also account for and pay to the tributer not less than fifty per centum of any premium received by such owner on the sale of the gold obtained from the ore treated.

Reprint of Act as Amended.

11. All copies of the said Act hereafter printed by the Government Printer shall be printed as altered by this Act, under the supervision of the Clerk of Parliaments, and all necessary references to this Act shall be made in the margin.
